

AMENDMENTS TO THE CLAIMS

Please amend the claims as follows:

Claim 1 (Previously presented): An isolated or synthetic polynucleotide which encodes an anti-microbial protein selected from the group consisting of:

- (i) a protein comprising residues 27 to 102 of SEQ ID NO: 1; and
- (ii) — a homologue of (i);
- (iii) (ii) a variant of (i) having one or more of the following substitutions: K is substituted for Q at position 54, 65 or 72, or V or K is substituted for H at position 80; and
- (iv) — a protein isolated from the family *Proteaceae* which specifically reacts with antibodies raised against (i) and which has the same anti-microbial activity as (i).

Claim 2 (Currently Amended): ~~A~~The polynucleotide according to claim 1 comprising nucleotides 148 to 375 of SEQ ID NO: 2.

Claim 3 (Cancelled)

Claim 4 (withdrawn): ~~A~~The polynucleotide according to claim 1 which encodes a variant having an amino acid sequence of SEQ ID NO: 20 or SEQ ID NO: 21.

Claim 5 (Currently amended): ~~A~~The DNA construct comprising the polynucleotide according to claim 1 operatively linked to elements for the expression of the protein encoded by said polynucleotide.

Claim 6 (Currently amended): ~~A~~The construct according to claim 5, wherein said polynucleotide comprises nucleotides 70 to 375 of SEQ ID NO: 2.

Claim 7 (Cancelled)

Claim 8 (Previously presented): A host cell comprising the DNA construct according to claim 5.

Claim 9 (Currently amended): ~~A~~The host cell according to claim 8 which is selected from the group consisting of a bacterial cell, a fungal cell, an insect cell, a plant cell, and a mammalian cell.

Claim 10 (Previously presented): A transgenic plant comprising the DNA construct according to claim 5.

Claim 11 (Currently amended): ~~A~~The transgenic plant according to claim 10 which is a monocot or a dicot.

Claim 12 (Currently amended): ~~A~~The transgenic plant according to claim 11 which is selected from the group consisting of grains, forage crops, fruits, vegetables, oil seed crops, palms, trees, and vines.

Claim 13 (Currently amended): ~~A~~The transgenic plant according to claim 11 which is selected from the group consisting of maize, banana, peanut, field pea, sunflower, tomato, canola, tobacco, wheat, barley, oats, potato, soybeans, cotton, carnation, sorghum, lupin and rice.

Claim 14 (Currently amended): Reproductive material of a transgenic plant comprising a polynucleotide which encodes an anti-microbial protein operably linked to elements for expression of said protein, wherein said protein is selected from the group consisting of:

- (i) a protein comprising residues 27 to 102 of SEQ ID NO: 1; and
- (ii) — a homologue of (i);
- (iii)(ii) a variant of (i) having one or more of the following substitutions: K is substituted for Q at position 54, 65 or 72, or V or K is substituted for H at position 80; and
- (iv) — ~~a protein isolated from the family Proteaceae which specifically reacts with antibodies raised against (i) and which has the same anti-microbial activity as (i).~~

Claim 15 (Original): The reproductive material according to claim 14 which is selected from the group consisting of seeds, progeny plants and clonal material.

Claim 16-22 (Cancelled)

SUMMARY OF INTERVIEW

Exhibits and/or Demonstrations

None

Identification of Claims Discussed

Claims 1, 7 and 14 and dependent claims were discussed.

Identification of Prior Art Discussed

Terras et al. (1995, Plant Cell 7:573-588).

Proposed Amendments

Applicants agreed to cancel claim 7 to pursue in a continuation or divisional application. Further, Applicants discussed the language in Claims 7 and 14 related to "homologues" and "variants". The Examiner agreed that amending the term "variants" to specific substitutions with greater breadth might be allowable.

Principal Arguments and Other Matters

With reference to homologues, although Applicants suggested that homologues of Proteaceae which specifically react with antibodies raised against the encoded protein of the polynucleotide of claim 1, are described and enabled, the Examiner argued that Proteaceae has about 60 genera and that all Applicant has shown is that there is at least one epitope recognizable by their antiserum.

Results of Interview

Applicants agreed to cancel Claim 7. Further Applicants agreed to amend Claims 1 and 14 to remove the recitation of "homologues" and "Proteaceae" and to specify the type of variants.